

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

FRANK CARBONE, *et al.*, individually and on behalf  
of all others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, *et al.*,

Defendants.

Case No.: 22-cv-00125

Hon. Matthew F. Kennelly

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE  
SECOND AMENDED AND SUPPLEMENTAL COMPLAINT**

PLEASE TAKE NOTICE that Plaintiffs move, unopposed, for leave to file a Second Amended and Supplemental Complaint pursuant to Fed. R. Civ. P. 15(a)(2) and 15(d).

“Rule 15 provides that district courts ‘should freely give leave [to amend] when justice so requires.’” *R3 Composites Corp. v. G&S Sales Corp.*, 960 F.3d 935, 946 (7th Cir. 2020) (quoting Fed. R. Civ. P. 15(a)(2)). Pursuant to Rule 15, Plaintiffs seek leave to amend to reflect the addition and dismissal of several Plaintiffs; and seek to supplement to set out events that happened after the date of the Amended Complaint. The Second Amended and Supplemental Complaint addresses the fact that the Section 568 exemption expired in September 2022 and that the 568 Cartel has deleted its website, reflecting the dissolution of the 568 Presidents Group. The Second Amended and Supplemental Complaint will also limit the proposed class to students, reflecting Plaintiffs’ counsel’s further analysis of the law that students are the proper plaintiffs in claims over higher education tuition. *See Exhibit 1, Proposed Second Amended and Supplemental Complaint.*

These limited changes do not expand the scope of claims or discovery or delay resolution of suit. Accordingly, Plaintiff’s request for leave to amend (1) is not unduly delayed or sought in bad faith; (2) would not unduly prejudice Defendants; and (3) would not be futile. Plaintiffs amended the Complaint as of right on February 15, 2022, Dkt. No. 106, and that Amended Complaint was the subject of the Defendants’ motions to dismiss that this Court resolved in August 2022, *see* Dkt. No. 185. On September 8, 2022, this Court entered a Case Management Order providing a July 31, 2023, deadline for all amendments to pleadings. *See* Dkt. No. 195. Plaintiffs notified Defendants of their intent to amend the amended complaint in early December, and sent proposed redlines on December 12, 2022 and January 3, 2023. Defendants have indicated that they do not oppose the filing of this amendment.

January 3, 2023

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